

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

TARAN ATKINSON, :
Plaintiff, : No. _____
v. :
ALLIED INTERSTATE LLC, :
Defendant. :
:

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1441, and 28 U.S.C. 1446, Defendant Allied Interstate LLC (“Allied”), by and through its undersigned counsel, hereby removes to the United States District Court for the Middle District of Pennsylvania the case styled as Taren Atkinson v. Allied Interstate, LLC, Docket No. 2015-cv-13445 (the “State Court Action”), originally filed in the Court of Common Pleas for Luzerne County, Pennsylvania. In support of this Notice of Removal, Defendant Allied states as follows:

1. Plaintiff, Taren Atkinson (“Plaintiff”), initiated the State Court Action by filing a Complaint against Allied in the Court of Common Pleas, County of Luzerne, Commonwealth of Pennsylvania. No further proceedings before the State court have occurred.
2. The Complaint was mailed to Allied via certified mail, return receipt requested, on or about January 8, 2016. Allied received the Complaint on or about January 12, 2016. Pursuant to 28 U.S.C. §1446(a), copies of the Complaint and cover letter to Allied are attached hereto as Exhibit “A.”
3. In the Complaint, Plaintiff alleges Allied violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, et seq.

4. Consequently, Plaintiff has alleged a claim against Allied arising under the laws of the United States, namely, the TCPA.

5. This Court has federal question jurisdiction over Plaintiff's purported claim under the TCPA pursuant to 28 U.S.C. § 1331, in that the claims "aris[e] under the ... laws ... of the United States."

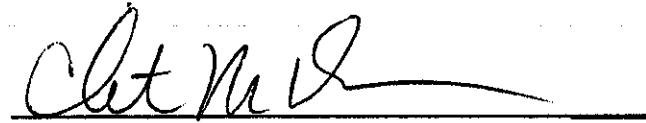
6. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which the Defendant was served with Plaintiff's Complaint. See 28 U.S.C. § 1446(b).

7. This Court is the United States District Court for the district within which the State Court Action is pending. The State Court Action is properly removed to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal, together with a copy of this Notice of Removal, is will be filed with the Prothonotary of the Court of Common Pleas for Luzerne County, Pennsylvania, and served on counsel for the Plaintiff. A copy of the Notice to the State Court of Filing of Notice of Removal is attached as Exhibit "B" hereto.

9. In filing this Notice of Removal, Allied reserves any and all defenses, objections, and exceptions, including without limitation those relating to jurisdiction, venue, and statutes of limitation.

WHEREFORE, Defendant, Allied Interstate LLC, hereby removes the State Court Action to the United States District Court for the Middle District of Pennsylvania.



Christine M. Debevec, Esquire
STRADLEY RONON STEVENS & YOUNG, LLP
2600 One Commerce Square
Philadelphia, PA 19103-7098
(215) 564-8000

*Attorneys for Defendant
Allied Interstate LLC*

Dated: January 28, 2016